

# Senate Study Bill 3189 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
REBUILD IOWA BILL BY  
CHAIRPERSON HOGG)

## A BILL FOR

- 1 An Act authorizing the creation of watershed management
- 2 authorities.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1.   NEW SECTION.   **28P.1 Definitions.**

2     As used in this chapter, unless the context otherwise  
3 requires:

4     1.   "*Authority*" means a watershed management authority  
5 created pursuant to a chapter 28E agreement as provided in this  
6 chapter.

7     2.   "*Board*" means a board of directors of a watershed  
8 management authority.

9     3.   "*Political subdivision*" means cities, counties, and soil  
10 and water conservation districts.

11    Sec. 2.   NEW SECTION.   **28P.2 Watershed management authorities**  
12 **created.**

13    1.   One or more political subdivisions may create, by chapter  
14 28E agreement, a watershed management authority pursuant to  
15 this chapter. The participating political subdivisions must be  
16 located in the same United States geological survey hydrologic  
17 unit code 8 watershed.

18    2.   The chapter 28E agreement shall include a map showing the  
19 area and boundaries of the authority.

20    3.   A county or a soil and water conservation district may  
21 participate in more than one authority created pursuant to this  
22 chapter.

23    Sec. 3.   NEW SECTION.   **28P.3 Duties.**

24    A watershed management authority shall perform all of the  
25 following duties:

26    1.   Assess the flood risks in the watershed.

27    2.   Assess the water quality in the watershed.

28    3.   Assess options for reducing flood risk and improving  
29 water quality in the watershed.

30    4.   Monitor federal flood risk planning and activities.

31    5.   Educate residents of the watershed area regarding water  
32 quality and flood risks.

33    6.   Allocate moneys made available to the authority for  
34 purposes of water quality and flood mitigation.

35    7.   Make and enter into contracts and agreements and execute

1 all instruments necessary or incidental to the performance of  
2 the duties of the authority.

3 8. Set rates for dues for participating cities and counties.  
4 Dues shall be assessed on a proportional basis based on  
5 population, land area, or both of the participating cities and  
6 counties as determined by the authority.

7 Sec. 4. NEW SECTION. **28P.4 Board of directors.**

8 1. An authority shall be governed by a board of directors.  
9 Members of a board of directors of an authority shall be  
10 divided among the political subdivisions comprising the  
11 authority and shall be appointed by the respective political  
12 subdivision's elected legislative body.

13 2. Representation on a board and the number of directors  
14 comprising a board shall be determined by agreement between  
15 the political subdivisions comprising the authority. The  
16 composition of the board regarding participating cities and  
17 counties shall be based on the proportion of the population of  
18 each participating city or county to the total population of  
19 the participating cities and counties. Each participating soil  
20 and water conservation district shall have one director on the  
21 board.

22 3. The directors shall serve staggered terms of four years.  
23 The initial board shall determine, by lot, the initial terms  
24 to be shortened and lengthened, as necessary, to achieve  
25 staggered terms. A person appointed to fill a vacancy shall be  
26 appointed in the same manner as the original appointment for  
27 the duration of the unexpired term. A director is eligible for  
28 reappointment.

29 4. A board may provide procedures for the removal of a  
30 director who fails to attend three consecutive regular meetings  
31 of the board. If a director is so removed, a successor shall be  
32 appointed for the duration of the unexpired term of the removed  
33 director in the same manner as the original appointment. The  
34 appointing body may at any time remove a director appointed by  
35 it for misfeasance, nonfeasance, or malfeasance in office.

1     5. A board shall adopt bylaws and shall elect one director  
2 as chairperson and one director as vice chairperson, each for a  
3 term of two years, and shall appoint a secretary who need not  
4 be a director.

5     6. A majority of the membership to a board of directors  
6 shall constitute a quorum for the purpose of holding a meeting  
7 of the board. The affirmative vote of a majority of a quorum  
8 shall be necessary for any action taken by an authority unless  
9 the authority's bylaws specify those particular actions of the  
10 authority requiring a greater number of affirmative votes. A  
11 vacancy in the membership of the board shall not impair the  
12 rights of a quorum to exercise all the rights and perform all  
13 the duties of the authority.

14     Sec. 5. NEW SECTION.   **28P.5 Nonparticipation.**

15     Notwithstanding any other contrary provisions, a city or  
16 county in a United States geological survey hydrologic unit  
17 code 8 watershed that does not participate in a watershed  
18 management authority is not eligible to receive any financial  
19 assistance from the state for water quality, watershed,  
20 floodplain, or flood mitigation purposes.

21     Sec. 6. NEW SECTION.   **28P.6 Activities coordination.**

22     In all activities of a watershed management authority, the  
23 authority shall coordinate and cooperate with the department  
24 of natural resources, the department of agriculture and land  
25 stewardship, and soil and water conservation districts.

26                                   EXPLANATION

27     This bill authorizes the creation of watershed management  
28 authorities.

29     The bill allows one or more cities, counties, and soil and  
30 water conservation districts to create a watershed management  
31 authority. The participating cities, counties, and soil and  
32 water conservation districts must be located in the same United  
33 States geological survey hydrologic unit code 8 watershed.  
34 A county or a soil and water conservation district may  
35 participate in more than one authority.

1     The bill requires a watershed management authority to  
2 assess the flood risks in the watershed, assess the water  
3 quality in the watershed, assess options for reducing flood  
4 risk and improving water quality in the watershed, monitor  
5 federal flood risk planning and activities, educate the  
6 residents of the watershed area regarding water quality and  
7 flood risks, allocate moneys made available to the authority  
8 for purposes of water quality and flood mitigation, make and  
9 enter into contracts and agreements, and set rates for dues for  
10 participating cities and counties.

11     The bill provides that a watershed management authority  
12 shall be governed by a board of directors.

13     The bill provides that, notwithstanding any other contrary  
14 provisions, a city or county in a United States geological  
15 survey hydrologic unit code 8 watershed that does not  
16 participate in a watershed management authority shall not be  
17 eligible to receive any financial assistance from the state  
18 for water quality, watershed, floodplain, or flood mitigation  
19 purposes.

20     The bill provides that in all activities of a watershed  
21 management authority, the authority shall coordinate and  
22 cooperate with the department of natural resources, the  
23 department of agriculture and land stewardship, and soil and  
24 water conservation districts.